

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION ~~SERIAL NUMBER~~
SECRETARY OF STATE

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

2009 SEP 25 PM 4:22

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

Amendments to ARS 13-3405 to simplify and remove all felony penalties associated with the possession, use, production, sale or transportation of marijuana. Thus making possession of up to four ounces a petty offense with fines not to exceed one hundred dollars; Making possession of more than four ounces or less than two pounds a class 3 misdemeanor; Making possession of more than two pounds a class 1 misdemeanor. Eliminating community service requirements for all levels of convictions. A judge will have the latitude to suspend sentences, probation and fines. Marijuana remains illegal but the penalties are significantly reduced.

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Campaign Against Marijuana Prohibition 420

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Date of Application	9/25/09
Signatures Required	153, 365
Deadline for Filing	July 1, 2016
Serial Number Issued	I-05-2010
FOR OFFICE USE ONLY	

Revised 11/92

CF # 201000253

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ARS 13-3405 Amended

13-3405. Possession, use, production, sale or transportation of marijuana: classification

A. A person shall not knowingly:

1. Possess or use marijuana.
2. Possess marijuana for sale.
3. Produce marijuana.
4. Transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer marijuana.

B. A person who violates:

1. ~~Subsection A, paragraph 1 of this section involving~~ Involving an amount of marijuana ~~not possessed for sale~~ having a weight of less than ~~two pounds~~ four ounces is guilty of a class ~~6 felony~~ petty offense.

2. ~~Subsection A, paragraph 1 of this section involving~~ Involving an amount of marijuana ~~not possessed for sale~~ having a weight of at least ~~two pounds~~ four ounces but less than ~~four two~~ pounds is guilty of a class ~~5 felony~~ 3 misdemeanor.

3. ~~Subsection A, paragraph 1 of this section involving~~ Involving an amount of marijuana ~~not possessed for sale~~ having a weight of more than two ~~four~~ pounds or more is guilty of a class ~~4 felony~~ 1 misdemeanor.

4. ~~Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 4 felony.~~

5. ~~Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 3 felony.~~

6. ~~Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 2 felony.~~

7. ~~Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 5 felony.~~

8. ~~Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 4 felony.~~

9. ~~Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of four pounds or more is guilty of a class 3 felony.~~

10. ~~Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 3 felony.~~

11. ~~Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of two pounds or more is guilty of a class 2 felony.~~

C. ~~If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a~~ A person who is sentenced pursuant to subsection B, paragraph ~~5, 6, 8, 9 or 11 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.~~

D. ~~In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of any provision of this section to pay a fine of not less than seven hundred fifty dollars or three times the value as determined by the court of the marijuana involved in or giving rise to the charge, whichever is greater, and~~

not more than the maximum authorized by chapter 8 of this title. A judge shall not at their discretion suspend any part or all of the imposition of any fine required by this subsection.

E. A person who is convicted of a felony violation of any provision of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug or narcotic drug except as lawfully administered by a practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections as appropriate during the duration of the term of probation or before the expiration of the sentence imposed.

F. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial is less than the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 4, 7 or 10 and who is granted probation by the court shall be ordered by the court that as a condition of probation the person perform not less than two hundred forty hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

G. If a person who is sentenced pursuant to subsection B, paragraph 1, 2 or 3 of this section is granted probation for a felony violation of this section, the court shall order that as a condition of probation the person perform not less than twenty-four hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crimes or any other appropriate agency or organization.

H. If a person is granted probation for a misdemeanor violation of this section, the court shall order as a condition of probation that the person attend eight hours of instruction on the nature and harmful effects of narcotic drugs, marijuana and other dangerous drugs on the human system, and on the laws related to the control of these substances, or perform twenty-four hours of community restitution.

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